IN THE HIGH COURT OF JUDICATURE AT PATNA
Cr Misc No 51608 of 2008

Udal Paswan, son of Kanu Paswan, resident of village - Chandu Bigha, P S - Dhanarua, Dist - Patna ***- Petitioner***

Versus

State of Bihar ***- Opposite Party***

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2 ***19.12.2008*** The petitioner is in custody since 20.04.2005 in connection with Dhanarua Police Station Case no 230 of 2004 instituted under Sections 302/34, 307/34 of Indian penal Code read with Arms Act giving rise to Sessions Trial No 1574 of 2005 pending before Additional Sessions Judge XI, Patna. Petitioner's earlier three attempts to get bail from this Court were met with little success. In the last order being order dated 19.05.2005 passed in Cr Misc No 13222 of 2008, this Court had observed that in case the trial is not concluded within six months, the petitioner would be at a liberty to move a bail application before the trial Court who would consider and pass necessary orders without being prejudiced by the previous orders of this Court. Accordingly petitioner, on expiry of six months and the trial not concluding, moved for bail which has been rejected without even considering the import of the order passed by this Court earlier. From the order of the learned Additional Sessions Judge, it is clear that though the petitioner has been in custody for over 3 and ½ years, the trial has just begun and five material witnesses have been examined. It is pointed out that even from the first information report, no overt act has been attributed to the petitioner.

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Considering the aforesaid facts, the petitioner abovenamed is directed to be released on bail on his furnishing bonds

of Rs 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Additional Sessions Judge XI, Patna in Sessions Trial No 1574 of 2005 arising out of Dhanarua Police Station Case No 230 of 2004.

***M.E.H.*/** **(Navaniti Prasad Singh)**

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